

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHET PRUITT,

Plaintiff,

v.

MANJULA BOBBALA, et al.,

Defendants.

No. 2:20-cv-0632 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding through counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 23, 2021, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 43. Plaintiff has filed objections to the findings and recommendations, ECF No. 44, to which defendants have responded, ECF Nos. 45, 46.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 23, 2021, ECF No. 43, are adopted in full;

2. Defendants Lynch and Gates' motion to dismiss, ECF No. 29, is GRANTED;

3. The claims against Defendants Lynch and Gates are DISMISSED without leave to amend;

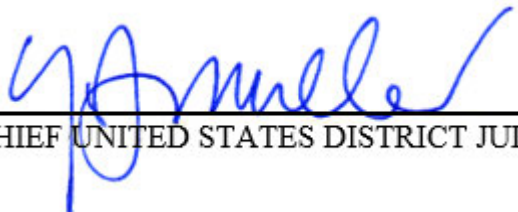
4. Defendant Bobbala's motion to dismiss, ECF No. 30, is GRANTED on the ground that Plaintiff has failed to state a claim for relief and DENIED without prejudice on the ground that Plaintiff failed to exhaust his administrative remedies;

5. Plaintiff's motion to amend, ECF No. 33, is DENIED as to the proposed first amended complaint;

6. Plaintiff is GRANTED thirty days to file an amended complaint; and

7. This matter is referred back to the assigned magistrate judge for all further pretrial proceeds.

DATED: October 30, 2022.

  
CHIEF UNITED STATES DISTRICT JUDGE